

**FILED**

FEB 20 2009

RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

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5 Counsel for Defendant GARCIA-SALGADO

6

7 IN THE UNITED STATES DISTRICT COURT

8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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10	UNITED STATES OF AMERICA,	)	No. CR 09-70127 MEJ
11	Plaintiff,	)	STIPULATION AND [PROPOSED]
12	v.	)	ORDER TO CONTINUE
13	FRANCISCO GARCIA-SALGADO,	)	ARRAIGNMENT/PRELIMINARY
14	Defendant.	)	HEARING DATE

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16 On February 12, 2009, an arraignment or preliminary hearing in the above-captioned case  
 17 was scheduled before this Court for Tuesday, February 24, 2009 at 9:30 am. At that time, the  
 18 defendant waived his right under Federal Rule of Criminal Procedure 5.1(c) to have his  
 19 preliminary hearing within 10 days of his initial appearance. Given the extensive discovery in  
 20 this case, as well as both counsel's schedules, the parties now jointly request that the arraignment  
 21 or preliminary hearing date be continued to March 10, 2009 at 9:30am. The defendant, through  
 22 counsel, again waives his right under Federal Rule of Criminal Procedure 5.1(c) to have his  
 23 preliminary hearing within 10 days of his initial appearance.

24 The parties also request that the Court exclude the period of time from the date of this  
 25 Order through March 10, 2009 from any time limits applicable under 18 U.S.C. § 3161. The  
 26 parties represent that granting the continuance provides the reasonable time necessary for

1 continuity and preparation of defense counsel, particularly given the extensive amount of  
2 discovery. 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agree that the ends of justice served  
3 by granting such a continuance outweigh the best interests of the public and the defendant in a  
4 speedy trial. 18 U.S.C. § 3161(h)(8)(A).

5 IT IS SO STIPULATED.

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7 February 20, 2009  
8 DATED

/s  
KEVIN BARRY  
Assistant United States Attorney

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February 20, 2009  
11 DATED

/s  
JODI LINKER  
Assistant Federal Public Defender

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Based on the stipulation of the parties, and for good cause shown, the next appearance in  
the above-captioned matter is continued to March 10, 2009 at 9:30 am before the duty Magistrate  
Judge and the time until then is excluded under the Speedy Trial Act.

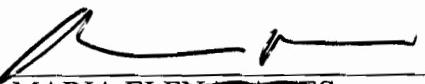
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IT IS SO ORDERED.

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2/20/09  
DATED

  
MARIA ELENA JAMES  
United States Magistrate Judge  
*Nando Vadas*

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